

OCT 07 2005

Utility Patent
Ser. No. 09/767,413

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------------------------------|---|-----------------|-----------------|
| In re Application of: C. Cassel |) | Date: | October 6, 2005 |
| |) | | |
| Serial No.: 09/767,413 |) | Group Art Unit: | 2632 |
| |) | | |
| Filed: 01/23/01 |) | Examiner: | T. Pham |
| |) | | |
| Title: Combination Breathing Monitor |) | | |
| Alarm And Audio Baby Alarm |) | | |

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Mail Stop PETITIONS, Box 1450, Arlington, VA 22313 on 10-7-05 (date).

Typed or printed name of person signing this certificate

TERRY LAKOS

Signature

Terry Lakos

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Printed name of person signing this certificate

TERRY LAKOS

Signature

Terry Lakos

RENEWED PETITION UNDER 37 CFR 1.137(b)

Petitions Examiner
Office of the Assistant Commissioner for Patents
Washington, D.C. 20231

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OCT 11 2005

Dear Sir:

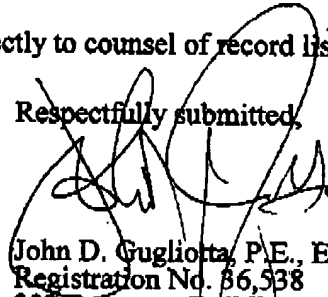
Applicant requests that the above referenced application, on petition dismissed on

Utility Patent
Ser. No. 09/767,413

08/31/2004, applicant wishes to provide the enclosed completed copy of the previously filed petition.

Applicant wishes the previous petition be revived and granted, and that should additional input be required that a telephone call be given directly to counsel of record listed below.

Respectfully submitted,



John D. Gugliotta, P.E., Esq.
Registration No. 86,538
202 Delaware Building
137 South Main Street
Akron, OH 44308
330.253.5678

Enclosure: 4

OCT 07 2005

| | |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity) | Docket No. 887 |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------|

In Re Application Of: Cynthia L. Cassel

| | | | | | |
|--------------------------------------|----------------------------------|------------------------------|------------------------------|-------------------------------|---------------------------------|
| Application No. 09/767,413 | Filing Date 01/23/2001 | Examiner Toan Pham | Customer No. 33055 | Group Art Unit 2632 | Confirmation No. 2467 |
|--------------------------------------|----------------------------------|------------------------------|------------------------------|-------------------------------|---------------------------------|

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

OCT 07 2005

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
887

In Re Application Of: Cynthia L. Cassel

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|-----------|--------------|----------------|------------------|
| 09/767,413 | 01/23/2001 | Toan Pham | 33055 | 2632 | 2467 |

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|---------------------------------------------------------------------------------------------------|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$750.00</u> |
| 8. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 13. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: | <u>\$750.00</u> |

The fee of **\$750** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-2380
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

OCT 07 2005

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
887

In Re Application Of:
Cynthia L. Cassel

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|-----------|--------------|----------------|------------------|
| 09/767,413 | 01/23/2001 | Toan Pham | 33055 | 2632 | 2467 |

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Signature

John D. Gagliotta, Ph.D., Esq.
Reg. No. 36,538
137 S. Main St., Ste. 202
Akron, OH 44308
330-253-5678
330-253-6658 (facsimile)

Dated: August 22, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on

August 22, 2005

(Date)

Signature of Person Mailing Correspondence

Terry Lakos

Typed or Printed Name of Person Mailing Correspondence

cc:

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PATENT, COPYRIGHT & TRADEMARK

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(330) 253-6678

ATTH THIRD BANK
(NORTHWESTERN OHIO)
CLEVELAND, OHIO
8-27-1410

1184

8/22/2005

PAY TO THE
ORDER OF

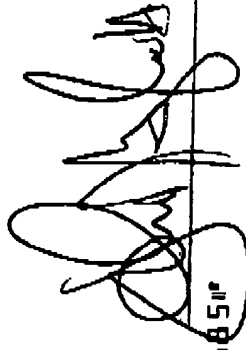
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\$ **750.00

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MEMO Petition to Unabandon Application: 09/767,413

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